

Message Text

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PAGE 01 CARACA 06839 01 OF 02 202316Z

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ACTION DLOS-07

INFO OCT-01 ISO-00 IO-14 AF-10 ARA-16 EA-11 EUR-25 NEA-14

RSC-01 CG-00 CIAE-00 DODE-00 PM-07 H-03 INR-11 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

AID-20 CEQ-02 COA-02 COME-00 EB-11 EPA-04 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04

INT-08 JUSE-00 OMB-01 CIEP-02 CEA-02 OIC-04 DRC-01

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R 201834Z JUL 74

FM AMEMBASSY CARACAS

TO SECSTATE WASHDC 4871

INFO AMEMBASSY BRASILIA

AMEMBASSY BRIDGETOWN

AMEMBASSY BUCHAREST

AMEMBASSY MADRID

AMEMBASSY NEW DELHI

AMEMBASSY PARIS

AMEMBASSY QUITO

AMEMBASSY SANTIAGO

AMEMBASSY TEHERAN

AMEMBASSY TRIPOLI

USLO PEKING

USUN NEW YORK 688

AMEMBASSY VIENNA

UNCLAS SECTION 1 OF 2 CARACAS 6839

PARIS ALSO FOR USDEL UNESCO

FROM US DEL LOS

E O 11652: N/A

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PAGE 02 CARACA 06839 01 OF 02 202316Z

TAGS: PLOS

SUBJECT: LOS: COMMITTEE III MEETING
AFTERNOON 17 JULY 1974

SUMMARY

COMMITTEE III CONCLUDED THREE DAYS OF COUNTRY GENERAL STATEMENTS ON MARINE POLLUTION. COMMON THREADS INCLUDED ATMOSPHERE OF ACCOMMODATION, LDC EMPHASIS ON DOUBLE ENVIRONMENTAL STANDARD, INCREASING SUPPORT FOR A SPECIAL AREA TYPE APPROACH WITHOUT SPECIFYING DETAILS SOME FLEXIBILITY OF APPLICATION OF ZONAL APPROACH, SUPPORT FOR STRONGER COASTAL STATE MEASURES RE DUMPING AND SUPPORT FOR COMPULSORY DISPUTES SETTLEMENT CONCEPT. U.S. INTERVENED BRIEFLY AND INFORMALLY AT END OF SESSION APPROVING CONCILIATORY ATMOSPHERE AND INDICATING ITS DECISION NOT TO MAKE FORMAL INTERVENTION IN ORDER TO SPEED WORK OF COMM. 43 COUNTRIES MADE STATEMENTS PLUS UNESCO. MOST STATEMENTS SHORT.

P.R.C. - OPENED INTERVENTION WITH VITUPERATIVE ATTACK ON HEGEMONY OF SUPER POWERS WHICH CAUSING ENVIRONMENTAL POLLUTION. ALLEGED POLLUTION CONSEQUENCE OF AGGRESSION, PLUNDER AND IMPERIALISM BY SUPER POWERS. SAID COASTAL STATES MUST RISE IN SELF DEFENSE, AND PRC SUPPORTED THEM.

AFTER THIS OPENING PRC SETTLED DOWN TO BRIEF REVIEW OF POSITION. SAID EACH COASTAL STATE HAS RIGHT TO TAKE ALL NECESSARY MEASURES IN NATIONAL JURISDICTION AREA, WITH REGARD TO EFFECT ON NEIGHBORS. URGED INTERNATIONAL MEASURES AND INTERNATIONAL ENFORCEMENT IN AREA BEYOND COUNTRY JURISDICTION AND STRENGTHENING OF RESEARCH BY ALL STATES IN ANTI-POLLUTION DATA.

IRAN: SUPPORTED IMCO AND ITS SPECIAL AREA APPROACH. SUGGESTED REGIONAL FUND TO COVER DAMAGE INADVERTENTLY CAUSED IN SENSITIVE AREA ADJACENT THEIR COAST. ON JURISDICTIONAL QUESTION, IN SENSITIVE COASTAL STATE MEASURES IN SPECIAL AREAS AND ENDORSED LMTY APPROACH. SAID FLAG STATE RESPONSIBILITY MUST NOT BE REDUCED BY RIGHT OF UNCLASSIFIED

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PAGE 03 CARACA 06839 01 OF 02 202316Z

PORT STATE TO TAKE MEASURES IN SOME SPECIAL CASES.

AUSTRIA: SUPPORTED INTERNATIONAL REGULATIONS FOR VESSEL-SOURCE POLLUTION AND INTERNATIONALLY ELABORATED SPECIAL AREA REGULATIONS. SUPPORTS WITH COMPETENT EXISTING INTERNATIONAL ORGANIZATION OR NEW AUTHORITY TO REGULATE POLLUTION. HIGH PRIORITY TO FLAG STATE CONTROL DESPITE LANDLOCKED NATION. SUPPORTED BINDING DISPUTES SETTLEMENT AND COMPENSATION PROCEDURES. OPPOSED

ZONAL APPROACH. CANNOT IMPLEMENT PRINCIPLE OF COMMON HERITAGE BY HODGEPODGE OF ACCUMULATED NATIONAL JURISDICTIONS. URGED MOVE AHEAD WITH ENFORCEMENT ARTICLES AND OTHER UNFINISHED ARTICLES.

ECUADOR - URGED BROAD TERRITORIAL SEA STATED GENERAL PRINCIPLE THAT STATE SHOULD ADOPT OWN LAWS, CONSISTENT WITH PROTECTION TO NEIGHBORS AND CONCERN OF INTERNATIONAL COMMUNITY; INTERNATIONAL COOPERATION INCLUDING REGULATORY MACHINERY TO ESTABLISH RULES OUTSIDE SOVEREIGN AREA OF JURISDICTION.

FRANCE- URGED UMBRELLA TREATY RESERVING PRECISE REGULATIONS TO SPECIAL ORGANIZATIONS HAVING COMPETENCE. SUPPORTED MOST OF AGREED TEXTS ADOPTED LAST SUMMER. DISTINGUISHED BETWEEN FORMS OF POLLUTION BASED ON SOURCE, I.E. LAND BASED, EXPLORATION AND EXPLOITATION. RELEASE HARMFUL SUBSTANCES FROM VESSELS AND NORMAL VESSEL DISCHARGES WHETHER VOLUNTARY OR INVOLUNTARY.

AS TO LAND BASED, CONVENTION SHOULD INCLUDE PLEDGE TO ENACT NATIONAL LAWS SUBJECT TO INTERNATIONAL PROVISIONS TO BE DRAFTED. SUPPORTED INTERNATIONAL REGIME FOR CONTROLLING POLLUTION BEYOND JURISDICTION AS TO SEABED RESOURCES. URGED EXCLUSIVELY INTERNATIONAL REGULATIONS FOR SHIP POLLUTION, SAYING COASTAL STATE JURISDICTION OVER DISCHARGE OR CONSTRUCTION STANDARDS INTOLERABLE.

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PAGE 01 CARACA 06839 02 OF 02 202324Z

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UNCLAS SECTION 2 OF 2 CARACAS 6839

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SAID ALSO SUPPORTS REGIONAL AGREEMENTS, BUT THEY
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PAGE 02 CARACA 06839 02 OF 02 202324Z

APPLY ONLY TO PARTIES. URGED SPECIAL AREA
APPROACH ESTABLISHED INTERNATIONALLY WITH ENFORCEMENT
MEASURES AND STANDARDS ALSO APPROVED INTERNATIONALLY.

SUPPORTED SPECIAL LIMITED ZONAL APPROACH INCLUDED
IN L.46. COASTAL STATE TO HAVE TWO RIGHTS: REPORT
INFRACTION TO FLAG STATE AND PROSECUTE IF FLAG STATE
DOES NOT ACT.

URGED BINDING DISPUTE SETTLEMENT PROVISIONS.

ONLY STATE TO COMMENT ON MILITARY EXEMPTION URGING CONTINUED
IMMUNITY FOR WARSHIPS OR VESSELS SUBJECT TO
SOVEREIGN IMMUNITY.

OPPOSED IDEA OF STATE LIABILITY FOR ACTS OF CITIZENS
AND SAID THIS SUBJECT SHOULD BE NEGOTIATED IN SEPARATE
CONVENTION.

CHILE - SAID REQUIRES JURISDICTION TO 200 MILES INCLUD-
ING POWER TO ESTABLISH STANDARDS AND ENFORCE. NOT INCOM-

PATIBLE WITH INTERNATIONAL STANDARDS OF ELABORATED IN PROPER FORM AND IF THERE EXISTS DIFFERENT STANDARDS AND CRITERIA FOR LDCS. SAID IMCO NOT REPRESENTATIVE.

ROMANIA - ASSERTED RIGHT OF STATES TO TAKE ALL ACTION WITHIN CAPABILITY TO DEVELOP RESOURCES IF ACTIVITIES DO NOT HARM OTHER STATES. MADE SPECIAL MENTION PROBLEM OF BLACK SEA. SAID COMPETENCE OF COASTAL STATE SHOULD BE SUBJECT TO INTERNATIONAL NORMS.

BRAZIL - CALLED FOR INTERNATIONAL STANDARDS RE DESIGN, CONSTRUCTION AND OPERATION OF VESSELS IF NOT TOO SOPHISTICATED FOR LDCS. PROBLEM WITH NEW SHIP CONCEPT UNDER IMCO 1973 CONVENTION, URGING EXTENSION OF TIME TO COMPLY. SEEMED TO SUPPORT COASTAL STATE ENFORCEMENT IN AREAS ADJACENT TO COASTS OF INTERNATIONALLY AGREED STANDARDS. SUPPORTED SPECIAL AREAS CONCEPT IF INTERNATIONALLY AGREED CRITERIA AND STANDARDS, CITING STOCKHOLM PRINCIPLE ELEVEN. FEELS DISPUTE SETTLEMENT MECHANISMS OFF DIFFICULTIES

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PAGE 03 CARACA 06839 02 OF 02 202324Z

BARBADOS - CITED DESTRUCTION CORAL REEF BY POLLUTION. DEVELOPING COUNTRY DOUBLE STANDARD APPROACH. DESPITE MAJOR TRANSHIPMENT PORT URGED COASTAL STATE POLLUTION CONTROL ZONE PER L.56. SUPPORTS LIABILITY CONCEPTS IN L.54.

CUBA - SUPPORTED IMCO CONVENTIONS AND BINDING INTERNATIONAL NORMS. URGED CONFERENCE ENDORSE IMCO AS HAVING COMPETENCE OVER VESSEL SOURCE POLLUTION. SUPPORTED FLAG STATE ENFORCEMENT. ALSO SUPPORT FREE TRANSIT IN STRAITS AND CANALS.

SPAIN - URGED ZONAL APPROACH, CITING L.56 AND RESIDUAL POWERS FOR COASTAL STATES. SAID COASTAL STATES COULD ADOPT AND APPLY MEASURES IN ACCORDANCE WITH INTERNATIONAL NORMS AND CRITERIA, IF ESTABLISHED. COASTAL STATE REGS. COULD BE REVIEWED BY INTERNATIONAL BODY. AS TO APPLICATION OF NORMS SUPPORTED TANZANIA DOUBLE STANDARD.

LIBYA - SHORT INTERVENTION URGING COOPERATION FOR SAKE OF HUMANITY.

INDIA - AS TO LAND BASED POLLUTION IN ECONOMIC ZONE URGED COASTAL STATE STANDARDS INCORPORATING INTERNATIONAL STANDARDS, WHERE POSSIBLE

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SUGGESTED IMCO PROPOSE TWO TYPES STANDARDS, ONE MANDATORY ON ALL STATES AND OTHER ADVISORY TAKING INTO ACCOUNT ECONOMIC BURDENS ON LDCS. ICAO SHOULD SET STANDARDS FOR AIRCRAFT POLLUTION. ADVOCATED COASTAL STATE STANDARDS AND ENFORCEMENT IN ECONOMIC ZONE, WITH FLAG STATE COMPETENCE

BEYOND ZONE SUBJECT TO ISRA SUPERVISION..

U.S.- US DEL MADE EXTEMPORANEOUS INTERVENTION AT END OF DAY, POINTING UP CONSENSUS AS TO URGENCY OF PRESERVING MARINE ENVIRONMENT, AND SAYING ONLY DIFFERENCES WERE AS TO MEANS OF ACHIEVING THAT END. HE NOTED ATMOSPHERE OF ACCOMMODATION AND OBVIOUS DESIRE TO GET AHEAD WITH WORK. SAID WHILE US HAD PLANNED DETAILED REVIEW OF ITS POSTION SET FORTH LAST SUMMER, THE EFFORTS OF OTHER DELEGATIONS TO ABBREVIATE INTERVENTIONS AND THE NEED FOR MOVING INTO INFORMAL WORKING SESSIONS HAD LED U,S. TO DEFER SUCH SUBSTANTIVE COMMENTS, RESERVING RIGHT TO MAKE COMMENTS ON SUBSTANTIVE MATTERS AS THEY ARISE. EMPHASIZED U.S.
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PAGE 04 CARACA 06839 02 OF 02 202324Z

HAD MADE ITS POSITION CLEAR IN GENEVA. ON PROCEDURAL LEVEL, SUPPORTED AUSTRIA, GREECE AND OTHERS WHO URGED COMM PROCEED FIRST WITH REMAINING ARTICLES.
STEVENSON

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